

Message Text

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ORIGIN OES-07

INFO OCT-01 EUR-12 ISO-00 ACDA-12 SS-15 DOE-11 SOE-02
EB-08 SIG-01 CIAE-00 INR-07 IO-13 L-03 NSAE-00
NSC-05 NRC-05 DODE-00 SP-02 PM-05 /109 R

DRAFTED BY OES/NET/EIC:DHOYLE
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ACDA - F BUCHOLTZ/MARSHALL
S/AS - R KELLEY
OES/NET - L NOSENZO (SUBS)
L/OES - R SLOAN (SUBS)
EUR/RPE - B SALISBURY (SUBS)
T/D - D WELCH (SUBS)
OES/NET/NEP - R DEMING (SUBS)
DOE - H BENGELSDORF (SUBS)
-----059016 191528Z /43

P 191450Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY BRUSSELS PRIORITY
INFO AMEMBASSY BONN PRIORITY
AMEMBASSY COPENHAGEN PRIORITY
AMEMBASSY DUBLIN PRIORITY
AMEMBASSY LONDON PRIORITY
AMEMBASSY LUXEMBOURG PRIORITY
AMEMBASSY PARIS PRIORITY
AMEMBASSY ROME PRIORITY
AMEMBASSY THE HAGUE PRIORITY

C O N F I D E N T I A L STATE 014756

USEEC ALSO FOR CAPITAL

E.O. 11652: GDS

TAGS: TECH, ENGR, EC

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SUBJECT: RENEGOTIATION OF U.S.-EURATOM AGREEMENT

REFS: A. BRUSSELS 18692; B. BRUSSELS 18689; C. STATE
278504; D. STATE 246974; E. STATE 007607

1. WITH RESPECT TO EC, WE BELIEVE THAT THE MOST IMMEDIATE
PRIORITY UNDER PENDING U.S. NON-PROLIFERATION LEGISLATION

IS TO GET EC AGREEMENT TO BEGIN THE PROCESS OF "NEGOTIATIONS," RATHER THAN ATTEMPT AT THIS TIME TO DEAL WITH THE SUBSTANTIVE ISSUES WHICH WILL ARISE ONCE U.S.-EC DISCUSSIONS BEGIN. WE ARE THEREFORE CONCERNED THAT GOB NON-PAPER (REFTEL B) APPEARS TO CONCENTRATE ON ISSUES FARTHER DOWN THE ROAD AND TO DOWNPLAY THE NEAR-TERM PROBLEM -- AVOIDING A PROHIBITION ON THE ISSUANCE OF NRC LICENSES FOR EXPORTS TO THE COMMUNITY IMMEDIATELY UPON ENACTMENT OF THE LEGISLATION. SUCH A RESULT -- WHICH NEITHER WE NOR THE EUROPEANS WANT -- CANNOT BE AVOIDED UNLESS WE HAVE AUTHORIZATION FROM THE COMMUNITY TO INITIATE DISCUSSIONS CONCERNING POSSIBLE MODIFICATIONS OF THE U.S.-EC COOPERATION AGREEMENTS, WITHOUT PREJUDICE TO THEIR OUTCOME.

2. SINCE LAST FALL, THERE HAS BEEN GENERAL AGREEMENT BETWEEN CONGRESS AND THE EXECUTIVE BRANCH REGARDING THE PROVISIONS OF THE LEGISLATION FOR EXPORT CRITERIA AND CRITERIA FOR NEW AGREEMENTS. THE EXECUTIVE BRANCH HAD A DIFFICULT TIME PRESERVING THE EXEMPTIONS FOR EURATOM AS THERE WAS CONSIDERABLE PRESSURE TO CHANGE THE LEGISLATION, AS ORIGINALLY SUBMITTED BY THE PRESIDENT, TO TREAT THE EC NO DIFFERENTLY THAN OUR OTHER TRADING PARTNERS. ATTEMPTING TO ALTER THE LEGISLATION AT THIS TIME TO OBTAIN FURTHER CONCESSIONS FOR THE EC, BESIDES BEING MET WITH GENERAL OPPOSITION WHICH WE COULD NOT LIKELY OVER-CONFIDENTIAL

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COME, WOULD, MORE SERIOUSLY, HAVE THE EFFECT OF REOPENING THE QUESTION OF EXCEPTIONS FOR EURATOM. WE BELIEVE THERE IS A VERY HIGH PROBABILITY THAT THE LEGISLATION WILL BE ENACTED BY EARLY SPRING; POSSIBLY WITHIN THE NEXT THIRTY TO SIXTY DAYS. IF THE COMMUNITY SHOULD CHOOSE TO WAIT UNTIL THE U.S. LEGISLATION ACTUALLY COMES INTO FORCE BEFORE RESPONDING TO OUR REQUEST TO AGREE TO BEGIN TALKS, WE WOULD AT LEAST HOPE THAT IT WILL BEGIN TO WORK NOW TOWARD INTERNAL RESOLUTION OF THE NATURE OF ITS ULTIMATE RESPONSE SO THAT IT CAN BE GIVEN EXPEDITIOUSLY WHEN THE LEGISLATION BECOMES LAW.

3. BEGIN FYI: WE HAVE TALKED WITH EC DELEGATION IN WASHINGTON IN AN EFFORT TO DEVELOP INFORMALLY LANGUAGE FOR AN EC RESPONSE WHICH WOULD MEET OUR LEGISLATIVE REQUIREMENTS BUT AT SAME TIME RECOGNIZE THE COMMUNITY'S CONCERNS, (TEXT OF THAT INFORMAL EFFORT TRANSMITTED REFTTEL E). END FYI.

4. BECAUSE OF OUR BELIEF THAT THE TOP PRIORITY IS TO GET THE COMMUNITY'S AGREEMENT ON THE PROCEDURAL ISSUE OF OPENING THE DISCUSSION PROCESS, WE FEEL IT WOULD BE PRE-

MATURE FOR US TO ATTEMPT NOW A SUBSTANTIVE POINT-BY-POINT
RESPONSE TO THE BELGIAN NON-PAPER. CHRISTOPHER

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